

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	No. 18 CR 512
)	
v.)	Judge Harry D. Leinenweber
)	
EVAN MUSIKANTOW)	

GOVERNMENT'S AGREED STATUS REPORT

The UNITED STATES OF AMERICA by JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully provides the following agreed status report as directed by this Court by Order of June 5, 2020:

1. On August 21, 2018, a federal grand jury in this district returned an indictment against defendant Evan Musikantow, charging him with the willful failure to pay court-ordered child support during a period beginning no later than in or about 2009 to at least in or about July 2017, a federal criminal felony offense in violation of Title 18, United States Code, Section 228(a)(3).

2. On November 21, 2018, defendant was arraigned before this Court. Defendant appeared at the arraignment by video teleconferencing. Defendant pleaded not guilty.

3. At the time of the arraignment, defendant was on electronic monitoring in Phoenix, Arizona, as a result of a forgery and identity theft criminal case brought by Maricopa County. Defendant also had a pending driving under the influence case in Scottsdale, Arizona. Defendant has pleaded guilty to criminal offenses in both cases, has completed his sentence on the forgery/identity theft case and is currently serving a 30-month sentence for the driving under the influence case. Defendant's projected release date is May 2021, but defendant has been seeking an earlier release date.

4. The government has provided substantial discovery to defense counsel, but due to the unavailability of defendant, the preparation and filing of any pretrial motions have been continued.

5. At this point in time, the parties expect this case to be resolved by trial.

6. Before the disruption caused by the COVID pandemic, the government had been seeking to have defendant writtten from custody in Arizona to this district for purposes of prosecution. Bringing defendant to this district would facilitate and expedite defendant's review of discovery, filing of pretrial motions and preparation for trial. This Court delayed issuing a writ to allow defendant to provide medical evidence concerning his claim that he was too ill to travel. The issuance of a writ has now been additionally delayed by the pandemic disruption. Resolving this writ issue as soon as defendant provides his medical evidence and the routine transportation of incarcerated individuals begins again will help advance this case to trial.

7. Defendant's previous pretrial release in this case was revoked by agreement based on violations previously reported by Pretrial Services and on defendant's incarceration in Arizona. Defendant plans to ask this Court to re-impose conditions of pretrial release. New conditions of pretrial release should obviate the need for the pending federal detainer, which defendant believes is preventing a sentence reduction in Arizona. In the event that defendant is successful in having his Arizona driving under the influence sentence substantially reduced, defendant should then be able to travel to this district on his own to participate in his defense. Defense counsel and government counsel have discussed proposed conditions and have consulted with Pretrial Services.

8. This Court has scheduled the next status hearing for 9 a.m. on July 30, 2020.
9. Defendant's attorney, Joshua Kutnick, agrees with this status report.

Respectfully submitted,

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